

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

MICHAEL SCHAMACH,
a/k/a "Mikhail"

Case No.

18-1968 -M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:*Code Section*18 U.S.C. 2251(a) and (e)
18 U.S.C. 2422(b)*Offense Description*Attempted Manufacture of Child Pornography
Enticement of a Minor to Engage in Illicit Sexual Activity

See Attachment A.

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.*Complainant's signature*

Daniel Johns, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/7/18City and state: PHILADELPHIA, PA*Judge's signature*

MARILYN HEFFLEY, U.S.M.J.

Printed name and title

ATTACHMENT A

Count One - Attempted Manufacture of Child Pornography, 18 U.S.C. § 2251(a) and (e)

On or about December 5, 2018, in the Eastern District of Pennsylvania and elsewhere, the defendant, MICHAEL SCHAMACH, a/k/a "Mikhail," employed, used, persuaded, induced, enticed, and coerced a person whom SCHAMACH believed was the mother of a minor child, and attempted to do so, and aided and abetted, to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, and the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. In violation of Title 18, United States Code, Sections 2251(a), (e).

Count Two - Enticement of a Minor to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2422(b)

Between on or about December 4, 2018, through on or about December 7, 2018, in the Eastern District of Pennsylvania and elsewhere, the defendant, MICHAEL SCHAMACH, a/k/a "Mikhail," used a facility and means of interstate and foreign commerce, that is, messaging services that utilize cell phone data and services, and aided and abetted another, to persuade, induce, entice and coerce a person SCHAMACH believed was the mother of a minor child who had not attained the age of 18 years, to engage the minor child in sexual activity for which any person could be charged with a criminal offense, that is, the manufacturing of child pornography, in violation of Title 18, United States Code, Section 2251(a). In violation of Title 18, United States Code, Sections 2422(b) and 2.

AFFIDAVIT

I, Daniel J. Johns, being first duly sworn, hereby depose and state as follows:

I. BACKGROUND

1. I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) in Philadelphia, Pennsylvania. I am thus a “federal law enforcement officer,” as defined by the Federal Rules of Criminal Procedure. I have been employed as a Special Agent since March 2007. I am presently assigned to the Philadelphia Division’s Crimes Against Children squad, which investigates sex trafficking of children and prostitution investigations, child pornography, and kidnappings, among other violations of federal law. I have gained experience through training at the FBI Academy, various conferences involving crimes against children, and everyday work related to conducting these types of investigations.

2. I make this affidavit in support of an arrest warrant for MICHAEL CARLYL SCHAMACH, AKA MIKHAIL, date of birth 05/03/1986, for the Enticement of a Minor to Engage in Sexual Activity, in violation of Title 18 United States Code 2422(b), and Attempted Manufacture of Child Pornography, in violation of Title 18, United States Code, 2251(a), and (e).

3. The statements contained in this affidavit are based upon my investigation, information provided by other FBI agents and Law Enforcement officers, and on my experience and training as a Special Agent of the FBI.

4. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to arrest MICHAEL CARLYL SCHAMACH, AKA MIKHAIL, for the crimes of Enticement of a Minor to Engage in Sexual Activity, in violation of Title 18 United States Code

2422(b), and Attempted Manufacture of Child Pornography, in violation of Title 18, United States Code, 2251(a), and (e).

II. APPLICABLE STATUTES

5. Title 18, United States Code, Section 2422(b) prohibits a person from using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

6. Title 18, United States Code, Section 2246(2) defines a sexual act as:

- a. Contact between the penis and the vulva or the penis and the anus; contact involving the penis occurs upon penetration, however slight;
- b. Contact between the mouth and the penis, the mouth and vulva, or the mouth and the anus;
- c. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- d. The intentional touching, not through the clothing, of the genitalia or another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

7. Title 18 United States Code, Sections 2251(a) and (e) prohibit a person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct, and any attempts to do so, for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live depiction of such conduct, if

such person knows or has reason to know the visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

III. PROBABLE CAUSE

8. On or about December 4, 2018, Bensalem Township Police "BTP" Detectives conducted a prostitution "sting" operation. During the operation, an adult offered sex in exchange for money. This adult is known to Law Enforcement and will be identified as CI1. The investigators interviewed CI1, who told them that an adult male had previously solicited sex from him/her in exchange for cash. CI1 identified the adult male as MIKHAIL, and told investigators that MIKHAIL used cellular phone number 732-484-5649. CI1 told the investigators that MIKHAIL asked CI1 to identify a minor child that MIKHAIL could engage in sexual intercourse with. MIKHAIL said that he would pay CI1 a finder's fee of \$200 or more, depending on the age of the child. MIKHAIL said that he would negotiate a greater fee with CI1 if the child was under 14 years old. MIKHAIL also sent CI1, via Multi Media Message (MMS), a "selfie" image that depicted MIKHAIL's own face. CI1 showed the image to BTP Detectives and said that the man in the picture was MIKHAIL.

9. On or about December 4, 2018, BTP Detectives searched phone number 732-484-5649, the number identified as belonging to MIKHAIL, in the records database "TLO." They located a name and a Pennsylvania (PA) Driver's License number for an individual associated with the phone number. Bensalem Township Police then conducted a search for the PA Driver's License number, which yielded a photo of an individual named MICHAEL SCHAMACH. CI1 positively identified the photo of SCHAMACH as the person CI1 met and knew as MIKHAIL.

The Investigators noted that SCHAMACH's Driver's License photo appeared to be a match with the individual in the "selfie" photo sent during the aforementioned text conversations.

10. On or about December 5, 2018, an FBI Online Covert Employee (OCE) began communicating with MIKHAIL. The OCE posed as a mother who was willing and able to provide MIKHAIL with her 11-year old daughter for MIKHAIL's sexual use. At MIKHAIL's request the OCE sent an image that appeared to depict the bare chest of an 11-year old female holding up three fingers between her nipples (MIKHAIL previously requested photos of the child holding her hand with her fingers extended in a specific pattern). The OCE then sent another image that appeared to depict the same bare chested 11-year old with a hand drawn sign inscribed with the date (12/5/2018), "Mikhail," and "732-484-5649," in an effort to prove that she was a real child and not an image taken from the Internet. MIKHAIL requested biographical information about the 11-year old, which was provided by the OCE. MIKHAIL also sent the OCE a "selfie" photograph that included his face and his exposed penis. The selfie clearly depicted SCHAMACH. Ultimately MIKHAIL agreed to pay the OCE \$650, for which MIKHAIL negotiated that he would have sexual intercourse with the purported 11-year old child twice within a one-hour period. MIKHAIL also negotiated that he would be permitted not to wear a condom, and that he would ejaculate inside of her.

11. On that same date, MIKHAIL requested a "full nude with face pic" of the child. The OCE informed MIKHAIL that he would have to pay for that image. MIKHAIL responded that he would pay \$30 via CashApp for a "full frontal with face and a doggie style pic shot from the side." The OCE told MIKHAIL they did not want to send pictures. MIKHAIL responded that he has fantasized since he was 15 years old about being with a "teeny tiny girl like your daughter," and that he wanted to see "all of her." MIKHAIL also told the OCE that wanted a picture of the 11-year old's "downstairs," which was a reference to the child's genitalia.

12. The OCE informed MIKHAIL that they could not use CashApp for the picture transaction because the OCE did not have a bank card to link to it. The OCE and MIKHAIL agreed to instead use PayPal to finalize the transaction. MIKHAIL sent the OCE a \$30 payment which was not able to be received because the OCE had inadvertently transposed two numbers in the PayPal email account. The OCE then provided the correct PayPal email address and MIKHAIL transferred \$30 to that account.

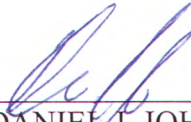
13. On December 6, 2018, the OCE sent MIKHAIL an image that appeared to depict a naked 11-year old girl from a profile view. The image did not depict the child's vagina. MIKHAIL then requested a "standing frontal then, with face covered." The OCE refused to send that image. After more discussion, MIKHAIL agreed that he, the OCE, and the child would meet Friday (December 7, 2018) at 1:00 pm. MIKHAIL indicated his understanding of their deal as "650, 1 hr 2 pops, finishing side," that is, for the negotiated price of \$650 he would spend one hour having intercourse with the child, twice, and would ejaculate inside of her. MIKHAIL also requested that the child be in "pigtails and...call me daddy." MIKHAIL also advised that he would bring the child chocolates. The OCE agreed to MIKHAIL's terms. MIKHAIL later changed the meet time to earlier in the day on December 7, 2018.

14. On December 7, 2018, MIKHAIL arrived at the pre-arranged location within the Eastern District of Pennsylvania, whereupon he was arrested. A search incident to his arrest revealed him to be carrying on his person \$650 in cash, personal lubricant, and chocolates.

IV. CONCLUSION

15. Based on the facts set forth above, I have probable cause to believe that violations of 18 U.S.C. § 2422(b) [Enticement of a Minor to Engage in Sexual Activity] and Title 18, U.S.C. § 2251(a)(e) [Attempted Manufacture of Child Pornography], have been committed by MICHAEL CARLYL SCHAMACH, AKA MIKHAIL. I therefore respectfully request the

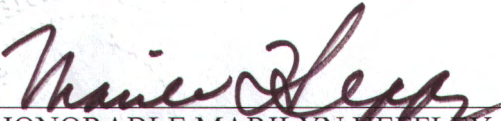
issuance of an arrest warrant.



DANIEL J. JOHNS
Special Agent, Federal Bureau of
Investigation

Subscribed and sworn to me this 7th
day of December 2018.

BY THE COURT:



HONORABLE MARILYN HEFFLEY
United States Magistrate Judge